

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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|---------------------------|---|--------------------|
| MORSE STEWART AND JEANINE |) | |
| STEWART, |) | |
| |) | |
| Petitioners, |) | Case No. 05-194-AS |
| |) | |
| vs. |) | ORDER |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

Morse Stewart
Jeanine Stewart
57985 Timber Road
Vernonia, Oregon 97064

Pro Se Petitioners

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Attorney for Respondents

KING, Judge:

The Honorable Donald C. Ashmanskas, United States Magistrate Judge, filed Findings and Recommendation on August 29, 2005. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiff has filed objections to the F&R. Defendant has filed a response.

When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in plaintiff's objections to the F&R, I find no error.

Accordingly, I ADOPT Magistrate Judge Ashmanskas' Findings and Recommendation (#12) and GRANT the Petition to Quash Third Party Summons (#1) as to the summonses issued to Charles Schwab & Company, Inc., Washington Mutual #1, and Washington Federal Savings & Loan in the name of Jeanine C. Stewart only; the Petition is DENIED in all other respects. Respondent's Motion for Partial Dismissal and Motion for Summary Denial of Petitioners' Petition to Quash Summons (#5) is GRANTED. Specifically, the Petition is DISMISSED as it

relates to Jeanine C. Stewart with respect to the summonses issued to Chase Manhattan Mortgage Corporation, Countrywide Home Loans, First Mutual Bank, Flagstar Bank FSB, GMAC Mortgage, Greenpoint Mortgage Funding, Inc., Indymac Bank DBA Loan works, Mercantile Bank, U.S. Bank NA Home Mortgage, Washington Mutual #2, Wells Fargo Home Mortgage Inc., and Bank of America; and DENIED as it relates to all summonses at issue with respect to Morse E. Stewart.

Dated this 3rd day of October, 2005.

/s/ Garr M. King
Garr M. King
United States District Judge